

FEB 21 2008

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

DIRECTV INC.,

Plaintiff - Appellant,

v.

ANDY LE,

Defendant - Appellee.

No. 05-35259

D.C. No. CV-03-01233-MRH

MEMORANDUM*

DIRECTV, INC., a California corporation,

Plaintiff - Appellant,

v.

TROY CEBALLOS; MARK COY; MIKE
DUONG,

Defendants - Appellees,

And

TODD CRUZ; FRED CURRY; AARON
DAYTON; RAND DEAHL; CHARLIE T.
DONG; ANDY EDDINIS; LARRY
EVATT,

Defendants.

No. 05-35274

D.C. No. CV-03-00679-MRH

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, Chief District Judge, Presiding

Argued and Submitted February 7, 2008
Portland, Oregon

Before: RYMER, T.G. NELSON, and PAEZ, Circuit Judges.

DirecTV, Inc. appeals the district court's default judgments entered in its favor against Andy Le, Troy Ceballos, Mark Coy, and Mike Duong. The judgments stated that DirecTV shall recover attorneys' fees and costs, but declined to award statutory damages. We have jurisdiction pursuant to 28 U.S.C. § 1291. We affirm.

We review the district court's denial of statutory damages for abuse of discretion. *Cf. Sec. Farms v. Int'l Bhd. of Teamsters*, 124 F.3d 999, 1015 (9th Cir. 1997). The district court has "wide discretion in determining the amount of statutory damages to be awarded," *Harris v. Emus Records Corp.*, 734 F.2d 1329, 1335 (9th Cir. 1984), and its requirement that DirecTV provide evidence of the extent of the interceptions was not an abuse of that discretion. *See Geddes v. United Fin. Group*, 559 F.2d 557, 560 (9th Cir. 1997) (stating the general rule of law that allegations of complaint are not accepted as true with regard to damages).

AFFIRMED.